

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**The Minutes**

**October 16, 2000**

**MISC. ORDER  
2000-07**

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the court on October 17, 2000, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C024576      PLANNING AND CONSERVATION LEAGUE et al. v. DEPARTMENT  
OF WATER RESOURCES et al.      (Certified for Publication)**

It is ordered that the opinion filed herein on September 15, 2000, be modified as follows:

...

There is no change in the judgment.

Appellant's petition for rehearing is denied.

BLEASE, Acting P.J.

Raye, J.

Hull, J.

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Raye, Associate Justice; Hull, Associate Justice; and Rios, Bailiff. Calendar called.

**C030185      REISS et al. v. SNIDER et al. and EYTAN**

Cause called. Mattaniah Eytan argued for appellants. Robert B. Sternfels argued for respondents. Cause submitted.

At 9:50 a.m., court recessed. At 9:54 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Callahan.

**C033478      BAHRE et al. v. SICROFF**

Cause called. Randall L. Wiens argued for appellant Jett. Steven A. Lewis argued for appellant Bahre. Daniel P. Whaley argued for respondent. Cause submitted.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**The Minutes**

**October 16, 2000 Continued**

At 10:15 a.m., court recessed. At 10:20 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Callahan, and Associate Justice Hull.

**C030809      WHITTLESEY v. AIELLO and THOMSON**

Cause called. James L. Pierce argued for appellant Thomson. Timothy H. Stearns argued for appellant Aiello. Richard L. Kimbell argued for respondent. Cause submitted.

At 10:42 a.m., court recessed. At 10:50 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease, and Associate Justice Callahan.

**C031359      WHITMORE UNION ELEMENTARY SCHOOL DISTRICT v. COUNTY OF SHASTA et al.**

Cause called. Clyde Small argued for appellant. Kenneth C. Mennemeier argued for respondents. Kelcie M. Gosling appeared for respondents but did not argue. Respondent's supplemental letter brief is due on November 6, 2000. Appellant's brief is due 20 days thereafter. Submission deferred.

At 11:41 a.m. court recessed until Tuesday, October 17, 2000, at 9:30 a.m.

**C033598      THE PEOPLE v. MARTINEZ      (Not for Publication)**

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Raye, J.  
Morrison, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**The Minutes**

**October 17, 2000**

At 9:27 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Raye, Acting Presiding Justice; Morrison, Associate Justice; Callahan, Associate Justice; and Castillo, Bailiff. Calendar called.

**C032706**

**THE PEOPLE v. SCHWERIN**

Cause called. Susan D. Shors, court appointed counsel, argued for appellant. Robert M. Morgester, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:47 a.m., court recessed. At 9:53 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Hull.

**C033000**

**THE PEOPLE v. SAECHAO**

Cause called. Susan D. Shors, court appointed counsel, argued for appellant with additional citations. Mark A. Johnson, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:16 a.m., court recessed. At 1:58 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Nicholson, and Associate Justice Morrison.

**C031115**

**FRIENDS OF PLACER COUNTY COMMUNITIES etc., et al. v.  
COUNTY OF PLACER (AUBURN-49 ASSOCIATES)**

Cause called. Jeffrey F. Bordelon argued for appellant. William D. Kopper argued for respondents. Cause submitted.

At 2:56 p.m., court recessed. At 3:00 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis, and Associate Justice Morrison.

**C034608**

**ESTATE OF FIRCH, DECEASED; THE PARKINSONS INSTITUTE v.  
COSENS**

Cause called. Kathleen O'Reilly argued for appellant. Raphael S. Moore argued for respondent. Cause submitted.

At 3:28 p.m., court recessed until Wednesday, October 18, 2000, at 9:30 a.m.

## 4

## October 17, 2000 Continued

**C030992      THE PEOPLE v. BLACKMON      (Not for Publication)**

The judgment is affirmed.

CALLAHAN, J.

We concur:     Davis, Acting P.J.

Raye, J.

**C031534      Guardianship of the Person and Estate of JEFFREY M.; MASON v. MASON      (Not for Publication)**

The judgment is affirmed.

RAYE, J.

We concur:     Davis, Acting P.J.

Hull, J.

**C033312      In re STEVEN W.; THE PEOPLE v. STEVEN W.**  
**(Not for Publication)**

The judgment is affirmed.

BLEASE, J.

We concur: Scotland, P.J.

Hull, J.

**C031484      MAVIN INCOME FUND, LTD. v. CHANG et al.**  
**(Not for Publication)**

The judgment is affirmed.

DAVIS, Acting P.J.

I concur:           Hull, J.

I concur in the result:

Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**The Minutes**

**October 18, 2000**

At 9:31 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session. Present: Davis, Acting Presiding Justice; Callahan, Associate Justice; Kolkey, Associate Justice; and Castillo, Bailiff. Calendar called.

**C031842**

**MACHADO-MILLER v. MERSEREAU & SHANNON**

Cause called. Stephen P. Acquisto argued for appellant. Kenneth C. Mennemeier appeared for appellant but did not argue. Kenneth E. Bacon argued for respondent. Cause submitted.

At 10:13 a.m., court recessed until Friday, October 20, 2000, at 9:30 a.m.

**C030784**

**THE PEOPLE v. CARAIG**

**(Not for Publication)**

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Blease, J.

Davis, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**The Minutes**

**October 19, 2000**

- C034230      EATON v. RICE      (Not for Publication)**  
The judgment is reversed. Respondent shall pay appellant's costs on appeal.  
BLEASE, Acting P.J.  
We concur:    Davis, J.  
                 Morrison, J.
- C024045      ETCHEVERRY et al. v. TRI-AG SERVICE, INC. et al.      (Not for Publication)**  
The judgment is reversed as to Bayer on plaintiffs' misrepresentation cause of action. The judgment is reversed as to Osterlie and Tri-Ag as to the negligence and negligence per-se causes of action. Summary adjudication of all other causes of action is affirmed. The parties shall bear their own costs on appeal.  
BLEASE, Acting P.J.  
We concur:    Nicholson, J.  
                 Morrison, J.
- C032398      NOLAN v. SACRAMENTO COUNTY et al. (Not for Publication)**  
The judgment of the trial court is affirmed. We award costs on appeal to the defendants.  
NICHOLSON, J.  
We concur:    Callahan, J.  
                 Hull, J.

## 7

We concur: CALLAHAN, J.  
Blease, Acting P.J.  
Davis, J.

## 8

## October 20, 2000 Continued

**(Not for Publication)**

KOLKEY, J.

Raye, J.

■ ■ ■

RAYE, Acting P.J.

Morrison, J.

Kolkey, J.

**(Not for Publication)**

RAYE, J.

Kolkey, J.

**(Not for Publication)**

KOLKEY, J.

Callahan, J.